

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

**WYNN'S EXTENDED CARE, INC.,
Plaintiff and Counter-defendant**

v.

Case Number: 5:13-cv-00114

**PENNY L. BRADLEY,
Defendant and Counter-plaintiff.**

**MOTION FOR SANCTIONS FOR VIOLATING PROFIT SHARING ORDER
AND FOR FAILURE TO PRODUCE KNOWLEDGEABLE DESIGNEE
AT CORPORATE DEPOSITION**

For the reasons set forth in her memorandum in support, Penny L. Bradley (Bradley) brings this Motion under Rule 37(b) of the Federal Rules of Civil Procedure because Wynn's Extended Care, Inc. (Wynn's) has violated a discovery order of this Court and failed to produce a knowledgeable witness on several topics at its corporate deposition. Specifically, on August 28, 2014, Bradley's Motion to Compel (Doc. 32) was granted and Wynn's was ordered to produce all its contracts with Credit Acceptance Corporation (CAC). After Wynn's unilaterally decided to redact significant portions of that contract in violation of that order, on September 11, 2014, this Court ordered it to provide an affidavit setting forth the underlying calculus or formula in its profit sharing plan with CAC. Wynn's did not comply with this Order and provided an affidavit that did not give any formula or calculus. Furthermore, this affidavit was signed by a witness who knew nothing about any profit sharing plan and had never even seen the profit sharing plan. Wynn's provided this same uninformed witness as its corporate designee at its deposition on September 15, 2014. On many topics he was not prepared to give testimony.

As fully set forth in her Memorandum in Support, Wynn's should be sanctioned and Bradley requests that certain factual issues be determined in her favor and that Wynn's be precluded from knowing more than it did at its corporate deposition.

Respectfully submitted,

s/Thomas D. Domonoske
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CERTIFICATE OF SERVICE

I, Thomas D. Domonoske, certify that a true copy of this Motion for Sanctions was delivered by electronic filing via ECF to all counsel of record on this 1st day of October, 2014.

/s Thomas D. Domonoske
Thomas D. Domonoske